A BRIEF ON WIFE BATTERING WITH PROPOSALS FOR FEDERAL ACTION

Canadian Advisory Council on the Status of Women

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According to the best available estimates, one in ten Canadian women is battered by her husband. Far from being a minor problem, wife battering is a fact of life for a significant proportion of women. It knows no geographical, economic, or cultural boundaries - any woman can find herself in the position of being battered. Because battering is so all-pervasive, and because it has been invisible for so long, it is essential that federal policies be developed to recognize and respond to the needs of battered women.

It is not the purpose of this brief to provide yet another statistical analysis of wife battering. We already have sufficient information to know that battering affects the lives and health of many thousands of women each year. We know, for example, that twenty per cent of Canadian homicides are the result of one spouse killing the other. Almost all of these are wives murdered by their husbands.

We also know that the range of injuries suffered by battered women range from bruising, to broken bones, to burns with scalding liquids or acid. Many women are beaten while pregnant. Some are permanently disabled as a result of repeated assaults. Despite these horrifying facts, the predominant response to battered women has been to turn the other way. We do not wish to see their suffering. In many cases, there seems to be the assumption that little can be done about battering.

In this brief, we will portray the practical realities faced by women who are battered. We will indicate how the institutions of Canadian society serve to keep them in a vulnerable and dangerous position. When we speak of institutions, we mean both broad social institutions such as the family, and more formal institutions such as the medical, welfare and legal systems. We will look at how these institutions reinforce each other to insure that battered women remain invisible and to maintain them in their position as victims of violence. We will show that this culture defines wife battering as an individual, private problem rather than a criminal assault. Until these institutions are changed to serve the needs of battered women and, indeed, of women in general, there is little that can be done to improve the overall situation. Finally, we will suggest specific federal initiatives that can promote real changes for battered women.

Before describing these realities, however, it is necessary to outline the assumptions upon which our descriptions and subsequent suggestions are based. These assumptions reflect the actual experience of battered women and the women who work with them in transition houses and other support services. They provide us with a framework from which to see the lives of battered women. They challenge many commonly held myths.

The first assumption we make challenges the very language that is generally used to define violence in the family. There are many euphemisms used to portray that violence: 'inter-spousal assault', 'family violence', 'domestic violence', and so on. It cannot be emphasized too strongly that what most frequently occurs is wife battering. It is women who are beaten in the vast majority of cases. It has been estimated that seventy-two per cent of so-called "family violence" cases are instances of wife battering. If we are taking the problem seriously, then we must call it what it is. To do otherwise is to obscure where the violence comes from and who it is directed toward. It makes the recipients of that violence - women - invisible. As long as this invisibility is perpetuated, it is impossible to develop policy and programmes that truly reflect the needs of battered women.

Another assumption, and perhaps the most important, directly challenges the view that women who are battered are passive victims of that violence. It is extremely important that we recognize this. Many people who may sincerely want to help do not see the extent to which most battered women work to protect themselves and their children. Battered women most often actively work toward changing the situation. The fact that it is so difficult is primarily a function of the blocks created by institutional structures.

Women who work with battered women are frequently asked "why do they stay?" This question simply reinforces the view of the passive victim. In responding to the question, we have to consider one obvious answer: many do not when alternatives are available and even more make some move to find help. If they are not trying to find ways out for themselves and their children, then they are looking for ways of stopping the violence, of protecting their children, and of improving their day to day lives. Some women leave, then return, then leave again. Far from being incomprehensible, such patterns are understandable if we

consider the pressures on a woman to stay in her marriage; her own simple wish that the battering stop; and the lack of financial, social and emotional resources available to her.

In the early stages, most women do try to change their own behaviour in an attempt to avoid being beaten. One reason why a woman stays, particularly at first, is that she really wants to believe her husband when he says he will stop. Most women sincerely want to retain their marriages, if only the violence were removed. Women do not leave their marriages capriciously. It is only when it becomes apparent that nothing they do stops the beatings that they begin to consider other alternatives. When a woman reaches this point, the absence of the support and assistance she needs becomes obvious.

The third assumption upon which our analysis is based recognizes that all institutions, either overtly or implicitly, serve to uphold the family in its most traditional sense. The institution of the family itself is viewed as a male breadwinner, female homemaker and their children, despite the fact that only twenty percent of Canadian families conform to this mold. The fact that other, more formal, institutions - medical, legal, welfare, etc. - maintain this image of the family ignores the reality that a violent man is not a viable part of a family unit unless and until he ceases to use violence against his wife and/or children. That this is not recognized gives men de facto permission to beat their wives.

On top of this, the economic reality means that battered women, who must for their own safety leave their marriages, must choose between a life of fear and one of absolute or relative poverty for themselves and their children. There is no need for us to once again cite the evidence to show that women who are alone are significantly more likely to live below the poverty line. Even women who may manage a somewhat higher standard of living for themselves still know that it may be considerably less than if they stayed in their marriages. Most women are prepared to take the consequences of this decision for themselves. However, it is much more difficult to decide that their children too must go without comforts or even necessities in order to escape the violence. The fact that husbands in general do not generally comply with child support or maintenance payments certainly makes this economic reality worse.

With these assumptions understood, we will now move to a consideration of the reality faced by women who are battered. We will look at the series of institutions with which the battered woman must deal. Our approach differs fundamentally from most 'case study' approaches. In such cases, it is usual to look at the woman herself as the object of study and analysis. It is far more appropriate to treat the woman as subject, and through her perspective examine the institutions and social context she will face as a battered woman. Since we know that battered women do work actively against the violence, it is important for us to understand the reasons why they are frequently unsuccessful. While not all battered women will go through all of these phases, most will encounter the attitudes, structures and other barriers outlined here. Although the federal government does not have direct jurisdiction in all of the areas to be mentioned, it is important to understand the context of the problem from the perspective of women.

Battering may begin in a marriage at any stage - from the beginning of the relationship, during a first pregnancy, or some years down the road. Common ideas about the family as an institution inevitably affect how a woman will react both initially and later. Battered women generally expected their marriages to be good ones, whether or not they had observed their parents' marriages to be good or bad, violent or non-violent. The institution of marriage and the family is held up as an ideal, although this is clearly at variance with the experience of battered women. It is not surprising, therefore, that the woman will at first take responsibility for the violence on herself, assuming that if only she were a better wife and mother the violence would stop. This is reinforced by the fact that, in many instances, the battering is accompanied by verbal abuse from her husband. This abuse most frequently attacks her performance as a wife and mother - she is ugly, a bad housekeeper, a negligent or inept mother. Our culture defines a husband as the main recipient of a wife's work in the home. If he is critical of her abilities, then it is hardly surprising that she will, at least initially, believe that she actually is doing a bad job. Her self doubt increases many times over if such criticism is accompanied by physical abuse. She will try to find ways to be more successful. Since isolation is a common feature of battering, she does not know at this point that her behaviour has little to do with the violence. She may well believe that she is the only one.

In addition, the fact that the family is seen as a private institution makes it difficult for the woman to seek help or for so-called 'outsiders' (the helping professionals) to intervene should they identify the wife as battered. It is clear to us that supporting such a concept subjects battered women to continued beatings. We must ask whose privacy is being protected and for what purpose. When we ask this question, it becomes clear that treating the family as a private institution only serves to protect those who have power within the family - i.e. men. It protects them from sanctions against their behaviour, even when that behaviour includes abuses of power which include physical assaults. It does nothing to protect and support the women who are on the receiving end of that violence.

It is clear from battered women's accounts that violent men use both criticism of their wives' role and work as wife and mother and the idea of the family as a private institution. In this way, they insure that their wives remain isolated and unsupported. As will be clear from our description of the other more formal institutions with which she must deal, these same ideas are reproduced in our society at large.

The first such institution with which a battered woman must deal will frequently be in the area of health or mental health. Often, the woman will seek help without indicating the cause of her physical or psychological ailment. She may simply present herself for treatment for physical injuries that are too severe to ignore. She may report feelings of depression or anxiety. In either case, the woman may well be invisible as a battered woman. Professionals generally do not ask about the possibility of battering and there is no legal requirement that they do so. Often, they do not want to know. In addition, the medical model teaches its practitioners to treat symptoms only, rather than identify their social causes. In practice, this indicates to battered women that they should continue to keep the battering a secret. It also reinforces for them that it is their fault, since they are the ones being treated or even institutionalized in hospitals or mental health facilities.

Evidence is now available that such treatment contributes significantly to the continued victimization of battered women. One U.S. study shows clearly that psychological problems suffered by battered women are the <u>result</u> of the battering

rather than its cause. The study compared battered women with non-battered women on a range of psychiatric symptoms and referrals. Before the first battering incident, there were no differences between the two groups with respect to suicide attempts; drug abuse; referral to a psychiatric emergency service, community mental health facility or state mental hospital; or the assignment of psychosocial labels. However, after battering had commenced, significant differences appeared in all of these categories.

Despite such evidence, psychiatric institutions continue to treat the battered woman as pathological in and of herself. Psychiatric nurses in one small community in British Columbia indicate that a woman will only be discharged by the head of the psychiatric service when she ceases talking about options available to her such as separation or divorce. This is not a unique situation. Put simply, women are labelled as 'sick' for attempting to leave the situation which has caused them to seek treatment in the first place.

Other medical services are no more supportive in their response to women who are battered. Personnel are not required to question or report suspected cases of battering. Hospitals have not developed protocols for response to battering cases and, in most instances, injuries are not carefully documented for future use. There is certainly precedent for such procedures being established, as has been done in many hospitals for rape cases. If a woman attends an emergency service, however, the chances are that her immediate physical symptoms will be treated and she will be sent home. She will not be asked about the abuse, and she will not be given information that would prove useful if the battering is repeated. She may, on the other hand, be given tranquilizing medications which, once again, contribute directly to the degree of danger she faces. A woman who is the target of physical abuse needs to be alert above all else. Her own safety and the safety of her children are at risk. This simple fact is not recognized by most medical personnel.

The reaction of the medical professions is particularly important since it is here that the battered woman may first appear in the 'public' world. She may be so severely injured that medical attention is essential. Also, because a degree of doctor/patient confidentiality is assumed, she may feel able to admit that she has

been battered, although she may be afraid to tell anyone else. Finally, because doctors are identified as 'fixers' of both physical and psychological ills, they are often turned to as a source of help. For all of these reasons, it is especially horrifying if medical personnel either refuse to take battering seriously, or are ill equipped to recognize the causes as well as the symptoms of her problem. If she is not well received, she may return to the battering situation with an even greater sense of hopelessness.

If a woman does get to the point of leaving the battering situation, even temporarily, there are few places she can go. In January 1980, forty-five per cent of the Canadian population lived in areas without access to a transition house or shelter which would accept battered women. Even where houses exist, they are frequently overcrowded, and must turn away more women and children than they can accept. For example, in 1979 the Vancouver Transition House accommodated 663 women and children. During the same period, 990 women and children were turned away due to lack of space. In the same year in Montreal, 5 transition houses turned away an average of 89 admissions. Consequently, even women in urban areas where at least some services exist, have severely limited options. Those in more isolated areas may literally have nowhere to go.

The woman who goes to a transition house receives, above all else, a safe place. Transition house workers report that it often takes several days in the house for her to realize that she really is safe. In addition, she will be given practical information on the options available to her and emotional support. Since most battered women are extremely isolated in their relationships, both are essential parts of her experience in the transition house.

Transition houses, however, face a number of problems. Many of these problems are the result of the assumption that they are providing a welfare function rather than providing an essential service for women and their children. This fact is reflected in the method of funding for most houses. Most are funded on a per diem basis through provincial welfare ministries. Only women who are eligible for welfare are eligible to have their expenses covered while in the house. Consequently, the woman who has an independent income that is above local welfare rates, but inadequate to cover the costs of her stay at the house, may not

be referred to the house in the first place. The transition house workers themselves will generally admit the woman, but the house may suffer since it can only survive financially if sufficient revenue is brought in.

The example of the Halifax transition house graphically portrays the difficulties faced by shelters in obtaining adequate funds. There are sixty municipalities in the province, and the province argues that social assistance provided in the per diem rate to transition house is a municipal matter. Consequently, when a woman comes to the transition house from an outlying area, the workers must contact the municipality of her husband's place of residence to find out if she qualifies for assistance. If the municipality cannot or will not pay, the choice is between sending the woman away or providing her with shelter without reimbursement. The house, of course, does provide refuge and support even without the assistance needed. However, this places the house in a financially precarious position. It also sets up a self-fulfilling prophesy: vacancies may sometimes occur in the house due to the reluctance of municipalities to pay the per diem rate. Vacancies are then used to argue that the transition house is not an essential service for women. In any case, one of the few resources for battered women is effectively undermined.

A related problem is the overall inadequacy of funds available, and the variation in per diem allowances even within the provinces and territories. Houses have reported per diem rates of $3.75 to $25.74. Long term planning is frequently impossible, since income generated may vary from month to month. Funds are not available for repairs or improvements, since the money allocated from welfare funds is for the support and shelter of the woman only. There are few other sources of funding available.

Despite these great difficulties faced by women who operate transition houses, the woman who goes there will find safety, support and practical information. However, in numerical terms, the number of women who find this assistance is only a small proportion of those who need it. Some will find other options, but others will remain in dangerous situations simply because they have no place to go.

Transition houses, however, can only provide shelter in a very immediate sense. The woman is still faced with the problem of where to go after a few days or weeks at the transition house. In a very few places, second stage housing for battered women has been developed as a short term solution. Vancouver's Munroe House, for example, provides battered women with shelter in individual units for three to six months after they have left a transition house. The woman then has an affordable place to live during the period when she is dealing with other problem areas. The workers at Munroe House also provide information and support on a longer term basis than is possible through transition houses. However, this type of second stage housing is seldom available. There are six units in Munroe House for women and their children. It is the only house of its kind in Canada. Only two other second stage, communal houses exist (in Calgary and Hamilton).

In the social welfare system, there is little recognition on the part of the system that the battered woman who comes for assistance is homeless. This is true whether or not she spends some time at a transition house, since the maximum stay is generally no more than 30 days, and sometimes as little as four or five days. The woman who realizes that she must leave the family home often faces a nearly impossible task. In order to apply for welfare (assuming she is eligible) she must have an independent address. She cannot afford to put a deposit on an apartment without money. Even this assumes that she will be able to find a home she can afford on welfare or in a poorly paid job. For example, the average cost of a two bedroom apartment in Vancouver was $458 in February 1981. The corresponding welfare rates are $675 to $710 for a woman with two children; and $540 to $595 for one child. Vacancy rates are low in most urban areas, and housing in smaller towns or rural areas seldom reflects the needs of single mothers. Further, many landlords are reluctant to rent to the single parent woman, particularly if they are on welfare. There is no legislation to protect women from discrimination based on their source of income, or if they have children.

Public housing is no more available to battered women. Generally, there are long waiting lists, and the woman cannot apply for a home for herself and her children as long as she resides in the family home. Once again, the assumption is that the woman <u>has</u> a home and source of income as long as she is living with her

husband, even if that is a life threatening environment. This does not recognize that it takes a good deal of planning for the woman to leave, and that such a decision is rarely made overnight. The more obstacles that face her as she searches for a home for herself and her children, the more likely it is that she will simply give up. She will then be forced to remain in a situation that is physically dangerous for herself and her children.

Homelessness is an extension of the fact that battered women do not have adequate financial resources at their disposal. The National Council of Welfare report Women and Poverty demonstrated clearly that almost half of single parent families headed by women live below the poverty line. Separated and divorced women in general seldom receive adequate child support and maintenance payments. Enforcement mechanisms for even court-ordered maintenance and support are generally non-existent. Soon after such payments are ordered, only thirty per cent of former husbands are complying with such directives.

This situation is even worse for women who have left battering relationships. Since the onus is on the woman to pursue defaults, enforcement is often both difficult and dangerous. First, she is unlikely to be in a position to afford additional legal assistance. This is compounded by the fact that she may have been forced to leave the area of residence of her husband for her own and her children's safety. But perhaps most important, she is simply afraid to contact her husband. Many battered women who leave their relationships are harassed and sometimes physically assaulted for months or years after. It is therefore hardly surprising that she may not want to give him access, let alone an excuse for revenge.

Throughout all of this, the woman who is battered is likely to encounter the inadequacies of the legal system in responding to her need for protection. It is important to remember that there are laws which currently exist which should, if applied properly, protect the woman who is assaulted. However, such laws are seldom applied equitably. The assumption implicit in the operation of the law is that wife battering is not as serious as other forms of assault. A graphic example of this can be seen in a recent case heard in the Supreme Court of British Columbia. In this case, the man, who was accused of the very brutal killing of his

wife, was allowed to be free on bail during the course of his trial. The reasoning of the judge indicated that he was just accused of killing his wife and she was, obviously, already dead. The man in question therefore was not dangerous and no reason for withholding bail could exist. A more every day example of the same principle is seen in the fact that most assault charges in battering cases are heard in family court rather than criminal court.

When the police are called to the scene of a battering incident, it is clear that they do not consider it a serious crime. First, many jurisdictions have implicit or explicit policy to screen out so-called "domestic" occurrences. This policy denies a fundamental function of the law; that is, to protect the safety of the person. Non-intervention policies of the police clearly demonstrate that battered women (and battering men) are considered to be outside the usual intent of the law. Women in New York City recently brought a successful class action suit against the police department for not responding to reports of battering. Their reasoning stated that battered women were simply not receiving the protection guaranteed to them by the law. Department policy has now been changed to guarantee police response to all reports of violence within families. Unfortunately, this is an isolated instance in North America to date..

Even when the police do arrive on the scene, it is unlikely that the man will be arrested or charges laid. Even if the assault is merely the most recent of a long history of beating, the police will often be unaware of previous legal action which would lead them to respond more strongly. There is no central registry at police stations of restraining orders, no contact orders, or previous charges laid in family court. While arrests are occasionally made, they are entirely at police discretion. More probably, they will attempt to "cool out" the situation, defining it as a family problem which has gotten out of hand. This once again tells the woman that her physical safety is not a serious concern. Similarly, the batterer is told that his conduct is not sufficiently serious to merit the intervention of the law.

The woman may be told that it is possible to lay a charge herself, but even this often proves difficult or impossible. Some jurisdictions have a mandatory "cooling off" period before a charge will be accepted - often 48 hours. The woman may be given misinformation when she attempts to lay a charge. She may be told

that she must have a witness, or photographs, or have been to a doctor in order that a charge be laid. This is simply not true, but the woman is unlikely to have access to the information which would guarantee her rights. One extreme example of this unwillingness of the system to accept charges from battered women occurred a few years ago in Prince Rupert, British Columbia. A woman was rendered a quadriplegic as the result of severe battering. It was several months before a charge was accepted, and even then only after the active intervention and support of women in the community. A footnote to this story is that the woman is now confined to a wheelchair. The batterer received a sentence of only one and a half years, and served much less.

Yet another problem for the woman is the appalling service she may receive from many lawyers. With few exceptions, the woman is given little information on the progress of her case. Frequently, service is slow. This is true for the majority of women, but battered women face particular problems. The most obvious, of course, is that their physical safety, and that of their children, is in danger. Consequently, an immediate response is of utmost importance.

One family lawyer has cited a case where a battered woman with six children came to her office seeking legal help that she had not been able to get from a lawyer she had contacted two months previously. She had had no response or action from him since. The second lawyer requested the woman's file. It contained nothing but the woman's original statement. The statement included accounts of severe beatings of herself and her children, and noted the name of her family doctor for corroboration. The woman had virtually no items from the home that she needed to maintain herself and her children, and was living with them in a one bedroom apartment. Her husband, on the other hand, still occupied the five bedroom family home. Had the first lawyer considered her case to be serious, he could have gotten a restraining order, interim custody and exclusive possession of the home within a day. He had done nothing for two months. Far from being an exceptional case, this statement reflects common practice on the part of many lawyers.

So not only does the legal system in terms of court and police not respond adequately to the battered woman's need for protection, but often the person who

is supposed to be her advocate does not deal quickly and effectively with her case. There are a number of reasons for this. First, legal aid fees do not adequately cover the costs of a lawyer in such cases, so the woman's case may be neglected. Law schools do not offer specific training in dealing with such cases. Finally, many lawyers accept the common myths about battered women, and consequently either do not believe her story, or respond with some degree of skepticism.

One last type of assistance available to the battered woman in a few areas are support services operating independently of (but usually in contact with) transition houses. Two such services are Battered Women's Support Services in Vancouver and Support Services for Assaulted Women in Toronto. A main function of both organizations is the operation of support groups for battered women, whether or not they have left their marriages. Participants in these groups report that they receive contact with other women to break down their isolation, emotional support, and practical information that is essential for considering options available to them.

Such organizations also provide an educational function through workshops and seminars for professionals, women's organizations and the general public. It is clear that such programmes must be greatly expanded if real changes in how institutions respond to battered women are to be made. However, like transition houses, organizations providing support and educational functions are inadequately and inconsistently funded. Sufficient (and reliable) funding is necessary to allow groups focussed on the needs of battered women to significantly increase both their support and educational work.

It is clear from the picture that emerges from the experiences of battered women that their problems are complex and touch on virtually all areas of our society. There are no simple solutions. It is possible, however, to pull apart the problems and propose actions that will work toward providing real protection and support for women who are battered. We will outline below particular actions that are possible to achieve within federal jurisdiction to alleviate the problems. It is also important, however, to at least mention some areas not directly under the jurisdiction of the federal government. We hope that this government's actions will directly or indirectly influence future policy by other institutions and levels of

government. We believe that the deliberations of this committee should not be intimidated by the fact that some areas of action are not directly within its jurisdiction. The federal government has a responsibility to take a leadership role in formulating the kinds of advancements necessary to respond to what is, quite clearly, a country-wide problem of vast proportions.

Before addressing those areas directly under federal influence, therefore, we will outline briefly other more general steps which must be taken. In the medical area, standard hospital protocols for responding to battering cases must be developed and implemented. These would include body charts and other standardized forms to record the details of the assault. There is certainly precedent for the establishment of such procedures, for example, the particular hospital procedures for victims of rape and sexual assault. Hospitals must also be required to report any case of wife assault that comes to their attention. Once again, this requirement is currently in force in some provinces with respect to child abuse.

Funding for transition houses must be revised to reflect adequately their operational costs and the needs of the community. It is possible, for example, to develop estimates of the number of hospital beds optimally required for a given unit of population; therefore, similar estimates can and should be developed for transition houses. Houses should then be funded on a block grant basis, rather than by the current per diem formulas.

In addition, funding should not be based on the place of residence of the husbands of the women coming to the house. Any woman should have access to existing services regardless of her husband's municipality or province of origin. In the social welfare area generally, welfare rates must be increased to reflect at least the minimal requirements of women and their children for adequate shelter, food, clothing and other expenses. In addition, the onus must be removed from women to police their husband's payment of child support and maintenance.

Legally, the enforcement practices of the police and courts must be changed to reflect what we believe should be the primary function of law enforcement, that is, the protection of the person from physical harm. Legal aid fees must be increased in order that lawyers will be more willing to spend the time necessary to

represent women, and especially women who are battered. Law school curricula must be revised to include particular training on responding to the needs of battered women.

Obviously, the changes required to accommodate the needs of battered women are both great and varied. Many are not under the direct jurisdiction of the federal government. Others can be implemented only by cooperative action by the federal, provincial, territorial, and sometimes municipal governments. There are, however, specific actions that could be taken by the federal government to begin the process of insuring protection and support for battered women. We will discuss these under three general subject areas: funding; jurisdictional and legislative questions; and policing.

1. Funding: The primary organizations responding to the needs of battered women are transition houses and other women's organizations providing support, advocacy, and educational functions. As we have noted previously, these organizations are almost always under-financed. Often sources of funding are inconsistent.

We cannot stress too often the absolute importance of transition houses in meeting the needs of battered women. They are, first and foremost, a fundamental part of protection for women. They provide a safe place for her to escape the sometimes life threatening violence that she faces at home. Furthermore, they provide concrete information on alternatives available to her and the emotional support necessary for her to break down her isolation. It is a tragedy that many women do not have access to such facilities, and some are not even aware that they exist. More houses are needed. Improvement of funding for transition houses must be a priority when considering appropriate financing of services for battered women. A funding formula must be developed which reflects the needs of different communities.

Similarly, other services for battered women must be adequately funded. We must recognize that it is the women who operate transition houses and complimentary support, advocacy and research services who are the "experts" in

responding to the needs of battered women. Funding must be available for such organizations to carry on their work. In addition, adequate financing should be available for educational programmes. It is women working in the community who have the expertise to initiate and carry out educational programmes that can lead to changes in the institutions that battered women have to deal with.

One specific action that could be taken by the federal government would be the creation of a specific fund for transition houses and other organizations to continue and expand their work on this issue. We would suggest that allocations from such a fund be made for the following purposes:

a. Start-up grants for transition houses (including second-stage houses), especially in those areas where houses do not currently exist. Such grants should include sufficient funds to cover capital costs that might be required (to upgrade an available facility, for example), staffing costs, publicity and educational work in the surrounding area. Groups identifying the need for a transition house in their community, if they are unable to get adequate support from more local resources, could apply for such grants in order to establish the service and gain further community support. Such start-up grants would be a first step in standardizing access to transition houses.

b. Supplemental programmes in transition houses that are not covered by shelter and support allowances provided by social welfare ministries. We would envision that such programmes could include educational work with local agencies and the community, advocacy services, special programmes for children, etc.

c. Programmes developed by women's organizations to provide support, advocacy, education and research functions around the needs of battered women. Such programmes have already been developed in some areas to respond to gaps in existing services, especially those provided by transition houses. While transition houses do an admirable job of responding in all of these areas, they frequently report that their work in providing direct service to the women who come to a house

simply does not allow time and resources to expand significantly in other areas. Such programmes, then, are complementary to those operated through transition houses.

We would add that financing available through such a fund must be sufficiently long term to allow for programme planning and consistency. We suggest that an on-going programme be allocated funds on a three-year basis. Inconsistency of funding and delays in processing funding requests are frequent complaints from women working in this area.

We recognize that such a fund, particularly in its goal of providing start-up and supplemental funding for transition houses, is only the beginning of providing uniform access to services in this area. In 1980, we recommended that the Social Services Branch of Health and Welfare Canada undertake a feasibility study on the potential of the Canada Assistance Plan to adequately fund transition houses and other services for battered women. We still believe that such a study should be carried out. However, a fundamental reorganization of funding for transition houses will undoubtedly take a very long time to plan and implement. Assistance is needed now. Consequently, the fund we envisage would alleviate some of the worst problems and disparities in the short run, allowing time to consider alternate funding mechanisms.

2. Legislative and jurisdictional questions: Within legislative and jurisdictional questions, three specific areas in the federal sphere should be considered. These are: possible residency requirements for access to social services; divorce legislation; and the possibility of revising the income tax system to provide for payment of court ordered maintenance and support.

The possibility that provincial and territorial governments may have the option of determining residency requirements for access to social services has severe implications for battered women. Frequently, women must travel to another geographical location, away from their husband's place of residence, in order to find safety for themselves and their children. In other cases, they may want to move to an area where they will have more support from family or friends. Sometimes women have moved with their husbands to small and/or

isolated communities where they quite literally have no one to turn to. We have elaborated previously on the example of Nova Scotia where residency requirements on a local basis frequently limit the accessibility of the transiton house to women in certain districts. Instead of increasing these barriers, we should be finding ways to insure that no woman is forced to remain in a violent situation due to the withholding of social services.

Once again, it must be recognized that the woman who leaves her marriage because of violence is homeless. To restrict her access to protection and assistance because of her husband's place of residence directly contributes to maintaining her and her children in a dangerous situation. We believe that the position of the federal government in all future negotiations concerning the constitution must insist that social services be available to all without residency requirements. Further, any future negotiations concerning fiscal transfers to the provinces for such services must reflect this same principle.

The proposal that jurisdiction in divorce cases be transferred to the provinces presents a serious problem for battered women. While it may be argued that application of federal legislation in this area is already inconsistent, steps should be taken to systematize and improve enforcement of orders obtained by this route. We know now that the application of family law in areas already dealt with by the provinces and territories is even more problematic.

Certainly this variation in the application of provincial and territorial family law creates problems for many women, but the effects on battered women can be particularly severe. Frequently, a battering husband's desire for revenge on his wife simply overcomes any respect he may have for the law. If it is widely known that the law is not strictly enforced, such disrespect for the law is encouraged. We must, therefore, insure that the enforcement of orders be as streamlined and as effective as possible.

Accordingly, the jurisdiction for divorce and related court orders should remain with the federal government, with the exception of Quebec. In the case of Quebec, the differing tradition and practice of the civil law provides for an important distinction in how this issue should be approached. We emphasize that

the need for differing approaches between the common law provinces, territories and Quebec is based on women's perspectives in approaching the problems raised. We believe that both of these perspectives should be respected in determining the best way to deal with family law jurisdiction. Both views are the result of the practical experience of women facing legal institutions.

The final area concerning legislation and jurisdiction relates to the enforcement of maintenance and support orders. It is obvious that no method devised to date has been effective in insuring that payments are made. It is clear to us that effective enforcement must be attached to a system that is both virtually universal and already includes an effective enforcement mechanism. We believe that the income tax system could be revised to meet precisely this need. Under such a plan, court ordered maintenance and support payments would be paid directly to the woman from a fund established for this purpose. Payments collected from the husband through the income tax system would then be transferred to the fund. The onus for insuring that such payments were made would then be removed from the woman. Not only would court orders be more efficiently enforced, but battered women in particular would not have the frightening burden of policing their husband's adherence to a court order.

There is certainly precedent for the inclusion of concerns which are not, strictly speaking, taxation matters within the income tax system. Canada Pension Plan and Unemployment Insurance contributions are the two obvious examples; the rebate of funds contributed to a political party is another. We see no reason why maintenance and support payments could not also be integrated into the existing system. We believe, therefore, that the federal government should accept the goal of integrating the collection of support and maintenance into the income tax system, and immediately begin a study to determine the logistics of implementing this goal.

3. Policing: Women who work in transition houses and other support services for women note that police response in wife battering cases is extremely variable. In some areas, police response is quite good, and their knowledge of existing resources adequate to meet the needs of the women they encounter in their work. In other areas, their reaction is simply appalling. Even within one community, there are

often significant differences between individual officers in how cases are dealt with. This is hardly surprising, and certainly reflects the range of reactions in the community at large. However, the fact that the response of the police to battering incidents is based in the "luck of the draw" does not provide adequate safety for women.

Since the RCMP are under federal jurisdiction, and since they provide local policing services in provinces and territories without their own police forces, there are obvious steps that could be taken to improve police response to battering incidents. Training and information relating to battering must be expanded in RCMP training programmes. Such training must include an overview of the crime, from the perspective of the women who are its victims; information on the role of transition houses and other services; and a summary of the ranges of legal options available specifically to battered women. It is clear from discussions with some police officers that they want and need such information which is simply not currently provided in their training.

Another problem in some communities is the transient nature of the force. Certain communities appear to be targeted for shorter term assignments than others. High turnover rates make the task of establishing a consistent liaison with the police extremely difficult. Communities are better served when the membership of the local force is relatively stable. We therefore believe that the procedures for making assignments to local detachments should be reviewed with the goal of stabilizing the composition of local forces in those areas currently facing high turnover rates.

In closing, we would emphasize that the steps outlined here are only a beginning to solving the problems faced by battered women. However, we believe that all of the suggestions are realistic and that action could be taken immediately to implement them. In short, these suggested actions are:

1. That the federal government create a fund for transition houses and other organizations to continue and expand their work on wife battering. Such a fund would provide start-up grants for transition houses, supplemental programmes in transition houses, and programmes

developed by women's organizations to respond to the needs of battered women. After the creation of such a fund, further work should be done to establish an alternate funding mechanism for transition houses and other services to guarantee a consistent system of adequate and secure financing.

2. a) That the federal government's position in all negotiations concerning the constitution and/or fiscal transfer or cost-sharing programmes reflect the principle that there be no residency requirements for access to social services.

   b) That the jurisdiction for divorce and related court orders remain with the federal government, with the exception of Quebec.

   c) That the federal government accept the goal of integrating the collection of support and maintenance into the income tax system, and immediately begin a study to determine the logistics of implementing this goal.

3. a) That training and information relating to wife battering be expanded in all RCMP training programmes.

   b) That the procedures for making assignments to local RCMP detachments be reviewed with the goal of stabilizing the composition of local forces in those areas currently facing high turnover rates.

We have chosen these areas as our focus not only because they are explicitly within federal authority, but also because we believe that our suggestions are practical and can be implemented within a very short time. The problems faced by battered women are numerous and complex, and it is certainly naive to assume that they will be solved overnight. After all, women have been battered for hundreds of years. In the past few years, we have begun to hear concern expressed about the problems battered women face. Unfortunately, this concern has not been translated into action. This committee has an opportunity, and a responsibility, to reverse the inaction of the past. By hearing presentations such as ours, you are exposing an issue that has been hidden for too long. By implementing the changes we have outlined today you can take concrete action to provide protection and support for battered women. We urge this committee to take the essential and long overdue step of translating concern into action.

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